

MICHELE BECKWITH
Acting United States Attorney
MICHAEL G. TIERNEY
VERONICA M.A. ALEGRÍA
Assistant United States Attorneys
2500 Tulare Street, Suite 4401
Fresno, CA 93721
Telephone: (559) 497-4000
Facsimile: (559) 497-4099

Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

SHANA GAVIOLA and JULIO SANDOVAL,

Defendants.

CASE NO. 1:22-CR-233-JLT-SKO

STIPULATION AND ORDER TO CONTINUE
TRIAL AND EXCLUDE TIME

BACKGROUND

This matter is currently scheduled for trial on July 8, 2025. On June 3, 2025, defendant Sandoval filed a motion requesting that the Court set a discovery cut-off date. ECF 94. The motion indicated that review of recent productions of documents by the United States posed potential risks to preparing Sandoval's defense and providing "fair notice of the evidence against him." *Id.* at 2. On June 6, 2025, defendant Gaviola filed a motion to continue the trial. ECF 96. Gaviola's motion indicated that counsel had not had sufficient opportunity to review cellphone extraction data. *Id.* at 2-3. The United States does not agree with the contentions raised in either motion. However, on June 6 and June 9, the parties discussed stipulating to a continuance request of approximately one month to moot defendant's motions.

The parties' stipulation appears below.

STIPULATION AND [PROPOSED] ORDER

IT IS HEREBY STIPULATED by and between the parties hereto, and through their respective attorneys, that the Court:

1. Vacate the jury trial date of July 8, 2025;
2. Set a trial date for August 19, 2025;
3. Find that the period from July 8, 2025 to August 19, 2025 be excluded under the Speedy Trial Act for defense preparation.
 - a. Specifically, counsel for defendants desire additional time to review discovery that was recently produced to them.
 - b. Counsel for defendants believe that failure to grant the above-requested continuance would deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.
 - c. The government does not object to the continuance.
 - d. Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.
 - e. For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of July 8, 2025 to August 19, 2025, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv), and Local Code T4, because it results from a continuance granted by the Court at defendants' request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.
4. Deny defendant Gaviola's Motion to Continue (ECF 96) without prejudice as moot;
5. Deny defendant Sandoval's Motion for a Discovery Cut-Off (ECF 94) without prejudice as moot;
6. Issue a revised pretrial order amending the existing order (ECF 91) with the following dates:

- a. Motions in Limine filed by July 7, 2025; oppositions due by July 14, 2025; hearing on July 21, 2025, at 9:00 a.m.;¹
- b. Trial Briefs: July 28, 2025;
- c. Jury Instructions: July 28, 2025;
- d. Exhibit lists: August 1, 2025;
- e. Exhibit binders: August 7, 2025; and
- f. Electronic exhibits: August 7, 2025.

Respectfully submitted,

MICHELE BECKWITH
Acting United States Attorney

DATED: June 9, 2025

By: /s/ Michael G. Tierney
MICHAEL G. TIERNEY
VERONICA M.A. ALEGRÍA
Assistant United States Attorneys

DATED: June 9, 2025

By: /s/ Anthony P. Capozzi
ANTHONY P. CAPOZZI
Attorney for SHANA GAVIOLA

DATED: June 9, 2025

By: /s/ Griffin Estes
GRIFFIN ESTES
Attorney for JULIO SANDOVAL

¹ The government has filed one Motion in Limine under seal; defense counsel for both defendants have independently indicated that they will each be filing multiple Motions in Limine, totaling over ten Motions in Limine from all parties.


FINDINGS AND ORDER

IT IS SO FOUND AND ORDERED:

1. The jury trial date of July 8, 2025 is VACATED;
2. Jury trial is set in this matter for August 19, 2025;
3. The Court finds that the period from July 8, 2025 to August 19, 2025, inclusive, is EXCLUDED under the Speedy Trial Act for defense preparation. The Court finds that the ends of justice outweigh the interest of the defendant and the public in a speedy trial;
4. Defendant Gaviola's Motion to Continue (ECF 96) is DENIED WITHOUT PREJUDICE as MOOT;
5. Defendant Sandoval's Motion for a Discovery Cut-Off (ECF 94) is DENIED WITHOUT PREJUDICE as MOOT; and
6. A modified pretrial order will issue containing the following dates:
 - a. Motions in Limine filed by July 7, 2025; oppositions due by July 14, 2025; hearing on July 28, 2025, at 9:00 a.m.;
 - b. Trial Briefs: July 28, 2025;
 - c. Jury Instructions: July 28, 2025;
 - d. Exhibit lists: August 1, 2025;
 - e. Exhibit binders: August 7, 2025; and
 - f. Electronic exhibits: August 7, 2025.

IT IS SO ORDERED.

DATED: June 10, 2025


THE HONORABLE JENNIFER L. THURSTON
UNITED STATES DISTRICT JUDGE